

459096

**JOHN F. McNICHOL  
500 KENWOOD ROAD  
DREXEL HILL, PA 19026**

October 4, 2002

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site  
Clearview Landfill, Folcroft Landfill and  
Folcroft Landfill Annex**

Dear Ms. Prisk:

Please accept this letter as my response to the United States Environmental Protection Agency's ("EPA") information request concerning the Lower Darby Creek Area Superfund Site, the Clearview Landfill, the Folcroft Landfill and the Folcroft Landfill Annex (collectively referred to as "the Site"). It is my understanding that this request was forwarded to me because I "obtained control of stock in the Clearview Land Development Company inherited by Joan Agnes McNichol from Samuel R. Dickey following his death." I would object to the term "control" on the basis that, without a definition, it is vague and ambiguous. For purposes of clarification, my only involvement with the CLDC was in my capacity as the co-executor of Mr. Dickey's estate. I played no role whatsoever in the operation or management of CLDC or the Landfill.

**Responses to Questions**

**1. Please describe in detail the nature of your current relationship to the Clearview Land Development Company. What was your relationship to this company in the past?**

**Answer:** I do not now, nor have I ever, had a relationship with the CLDC. My wife, Joan Agnes McNichol, and her sister, Peggy Salvucci, were the sole beneficiaries of Samuel R. Dickey's estate, which included 3500 shares of stock in the CLDC. I was the co-executor of Mr. Dickey's estate.

**2. Do you currently own or control stock or hold any ownership interest in the Clearview Land Development Company? If so, provide the following:**

**Answer:** I have never owned, or controlled (as I understand that term to mean) any ownership interest in the CLDC.

a) The percentage of ownership and number of shares do you own or control;

**Answer:** My wife and her sister were the sole beneficiaries of an estate, which included 3500 shares of stock in the CLDC. The estate, on advise of counsel, determined that the stock was worthless and thus, the stock was never transferred into my wife or sister-in-law's name. Enclosed is a copy of the Certificate from the CLDC indicating that Samuel Dickey was the owner of 3500 shares of stock. To the best of my knowledge, the estate never received the original certificate. In fact, the enclosed copy is the only document I ever received from the CLDC.

b) List other shareholders/owners of the company and the percentage of ownership or number of shares owned by each person or entity;

**Answer:** I have no knowledge as to other shareholders/owners of the company nor the percentage of shares owned by other persons. Again, the enclosed copy of the certificate is the only document I ever received from the CLDC.

c) List the current officers, directors, and managers of the Clearview Land Development Company.

**Answer:** I have no knowledge whatsoever as to the current officers, directors and managers of the CLDC. The only information I would have concerning officers would come from the enclosed certificate which lists Ethel Heller as President and a Victor H. Murtha as Secretary as of February 14, 1962. I have no personal knowledge that either of these two individuals actually performed in this capacity.

**3. If you do not currently own or control stock or hold any ownership interest in the Clearview Land Development Company, answer the following:**

a) On what date did you divest yourself of this stock and ownership interest?

b) To whom was it divested?

c) By what means was it divested (e.g. by sale, gift, creation of a trust, etc.)?

d) What compensation was received for its sale or divestiture?

e) For what reason(s) was it divested?

**Answer:** (3a – 3e) Neither my wife or sister-in-law have ever done anything with the stock. Additionally, no money was ever received from CLDC nor has any divestiture occurred. On advice of counsel, it was determined by the estate that the stock was worthless. For accounting purposes and on advice of counsel, the stock was given a nominal value but no money was ever derived. Furthermore, no actions were taken to transfer the stock into my wife's or sister-in-law's name, nor did the estate exercise any affirmative steps to do anything with the stock.

f) Who were the officers of the company at the time you held stock or an ownership interest in the company?

**Answer:** (3f) See response to Answer 2c above.

**4. What role do you now play or what role did you play at any time in the past, in the operation or management of the Clearview Land Development Company?**

**Answer:** I have never played any past role in the operation or management of CLDC.

**5. What role did you play in the operation or management of the Clearview Landfill on the property owned by the Clearview Land Development Company?**

**Answer:** I do not have any role in the operation or management of the CLDC.

**6. Do you have any knowledge about the disposal of waste at the Clearview Landfill between the mid-1950's and 1976?**

**Answer:** I have no knowledge about the disposal of waste at the CLDC between the mid-1950's and 1976.

**7. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:**

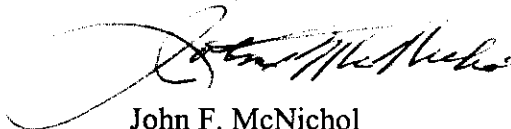
- a) Disposed of, or treated materials at Clearview or other areas of the Site;
- b) Arranged for the disposal or treatment of materials at Clearview or other areas of the Site; and/or
- c) Arranged for the transportation of materials to Clearview or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

**Answer:** See response to answer 6 above.

**8. If you have any information about other parties who may have information, which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.**

**Answer:** The only individual of whom I am aware that may have information on this issue is Robert Jackson, Esquire. Upon information and belief, Mr. Jackson represented Mr. Edward Heller on some real estate matters. This would be the same Robert Jackson who is quoted in the Delaware County Daily Times article which was attached to the information request. I do not have Mr. Jackson's address or telephone number.

Sincerely



John F. McNichol

NUMBER  
3



SHARES  
3500.00

# Clearview Land Development Company

INCORPORATED UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA

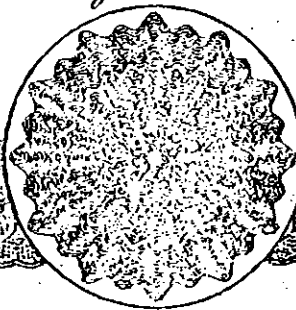
Authorized Shares 10,000 Without Par Value

This Certifies that Samuel Dickey is the owner  
of Thirty - Five Hundred Shares of  
Clearview Land Development Company

full paid and non-assessable, transferable only on the books of the  
Corporation in person or by Attorney upon surrender of this Certificate  
properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed  
by its duly authorized officers, and its Corporate Seal to be hereunto affixed  
this 14th day of February A.D. 1962

Victor H. Muth  
SECRETARY



Ethel Heller  
PRESIDENT

This stock is issued subject to the condition that it cannot be sold, assigned or transferred without first being offered in writing to the remaining shareholders, in proportion to their holdings, for a period of thirty days, at a price equal to its book value on the first day of the month in which said offer is made.